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By Hand-Delivery

The Honorable Earl S. Hines
United States District Judge
300 Willow Street, Suite 221
Beaumont, Texas 77701

Re: CooperVision, Inc. v. CIBA Vision Corp., 2:06-CV-149 RHC and 9:06-CV-260

Dear Judge Hines:

We write regarding CIBA's May 15 Technology Synopsis. In the synopsis, CIBA discusses two references (the Grant and Newcomb references) that it appears to allege anticipate or make obvious certain limitations in the patents in suit.

At the first scheduling conference in this case, the Court warned the parties that "I am not looking for your arguments" in the technology synopsis. 10/10/06 Hearing Tr., 40:5-10. CooperVision believes CIBA's attempt to introduce prior art arguments into the technology synopsis and claim construction, especially arguments unsupported by any competent expert analysis, is improper.

CIBA's characterization of the Grant and Newcomb references is not accurate. CooperVision recognizes, however, that this letter is not an appropriate forum to respond to CIBA's arguments. CooperVision will be prepared to discuss these references at the June 27 claim construction hearing if the Court deems it appropriate.

Sincerely,

J. Thad Heartfield

cc: Counsel of Record (By E-mail)